

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE NAVAJO NATION, et al.,

Plaintiffs,

v.

No. 12cv0195 LH/LAM

URBAN OUTFITTERS, INC., et al.,

Defendants.

ORDER EXTENDING DISCOVERY AND EXPERT DEADLINES

THIS MATTER is before the Court on the parties' *Stipulation*¹ and *[Proposed] Order Extending Discovery Deadline* [*Doc. 116*] filed May 2, 2014, which will be construed by the Court as a motion to extend pretrial case management deadlines. The Court notes that on August 2, 2013, the parties filed a *Stipulation and Proposed Case Management Order* [*Doc. 71*] proposing case management deadlines that far exceed the Court's usual track of 180 days for non-complex cases and 270 days for cases certified by the Court as "complex." The deadlines for various events ranged between approximately six (6) months and twenty-two (22) months from the date of the filing of Document 71. Nevertheless, the Court adopted these deadlines [*Doc. 75*] and now the parties request an additional seventy-five (75) days for most of these deadlines, citing several reasons, none of which amount to exceptional circumstances justifying additional time. Since the time that this case was reassigned to the undersigned Magistrate Judge due to the retirement of the Magistrate Judge originally assigned as the referral

¹ The Court notes that this document is entitled "Stipulation and [Proposed] Order Extending Discovery Deadline and was filed as such in CM-ECF. This is not the Court's usual designation for a motion and local counsel should know this. One of the reasons for requiring local counsel for out-of-state attorneys is to show pro hac vice attorneys how to properly file documents in this Court using proper nomenclature and following the Court's local rules. The Court expects that local counsel will do so in the future.

judge, the parties have filed (1) a response, reply and notice of completion of briefing to Plaintiff's then-pending Motion to Compel, with separate "Declarations" by two individuals regarding Document 93 [*Docs. 91, 93, 94, 95 and 96*]; (2) Joint Motion for Protective Order [*Doc. 98*] that was granted by the undersigned [*Doc. 100*]; (3) a Joint Motion to Extend the Deadline for Responding to Defendants' Counterclaims [*Doc. 102*] that was granted by the District Judge [*Doc. 103*]; and (4) Plaintiff's Motion to Dismiss Counterclaim, a response, reply and notice of completion of briefing regarding this motion [*Docs. 105, 108, 112 and 113*]. There is little evidence on the docket of this case indicating that the parties are conducting discovery and the parties provide only general statements about their efforts in the case. In an effort to get this case back on track, the Court will grant this motion. *However, the Court will not grant any further extensions of these already-lengthy deadlines absent a showing of exceptional circumstances and press of counsel's business, or scheduled vacations, is not usually considered exceptional circumstances.*

IT IS HEREBY ORDERED that the deadlines in the August 2, 2013 *Stipulation and [Proposed] Case Management Order* [*Doc. 116*] are extended and modified as follows:

Deadline for document productions	May 30, 2014
Deadline for fact discovery depositions	September 15, 2014 (previously June 30, 2014)
Deadline for discovery of experts and submission of expert reports on any proposition that a moving party has the burden of proof	October 15, 2014 (previously July 30, 2014)
Deadline for disclosure of experts and expert reports on matters which the moving party does not have the burden of proof	November 15, 2014 (previously September 15, 2014)

Expert discovery closes

December 1, 2014
(previously October 15, 2014)

No other deadline set forth in Document 71, and adopted by the Court in Document 71 is extended and they shall remain in effect, specifically:

Motion practice filing date

December 15, 2014

Pretrial Order (Plaintiffs to Defendant)

April 10, 2015

Pretrial Order (Defendants to Court)

May 1, 2015

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE

Submitted By (*Prior to modifications by the Court*):

NAVAJO NATION DEPARTMENT OF JUSTICE
HARRISON TSOSIE, ATTORNEY GENERAL

/s/ Paul Spruhan
Paul Spruhan, Attorney
Post Office Box 2010
Window Rock, Arizona 86515
Telephone: 928/871-6937 / Fax: 928/871-6177
pspruhan@nndoj.org

KELLER ROHRBACK L.L.P.

By: /s/ Karin B. Swope
Mark A. Griffin, Esq.
Karin B. Swope, Esq.
1201 Third Avenue, Suite 3200
Seattle, Washington 98101
Telephone: 206/428-0561 / Fax: 206/623-3384
mgriffin@kellerrohrback.com
kswope@kellerrohrback.com

Attorneys for Plaintiffs

DICKINSON WRIGHT PLLC

By: /s/ Scott R. Knapp
Samuel Littlepage, Esq.
Melissa Alcantara, Esq.
1875 Eye Street, N.W., Suite 1200
Washington, D.C. 20006
Phone: (202) 457-0160
Slittlepage@dickinsonwright.com

Joseph A. Fink, Esq.
Scott R. Knapp, Esq.
DICKINSON WRIGHT PLLC
215 S. Washington Square, Suite 200
Lansing, MI 48933
Phone: (517) 487-4711
Sknapp@dickinsonwright.com

BUTT THORNTON & BAEHR PC

By: /s/ Alfred L. Green, Jr.
Alfred L. Green, Jr., Esq.
P.O. Box 3170
Albuquerque, NM 87110
Phone: (505) 884-0777
algreen@btblaw.com

Attorneys for Defendant